

REMARKS

Claims 1 and 2 are pending in this application. Claim 1 has been amended to more specifically recite the pertinent feature of the claimed invention. In particular, claim 1 now recites a grid have an α -lead rich phase having a face centered cubic structure . Claim 2 has been amended to overcome an Examiner's objection. In view of these amendments, the obviousness-type double patenting rejections and rejection under 35 USC 103(a) are respectfully traversed.

The numerous obviousness-type double patenting rejections over Rao ('187, '286, and '186) (herinafter "the Rao patents") in view of Fujisawa have been obviated in view of the amendments to claim 1. The Rao references are taken together, as they all resulted from a chain of applications with similar disclosures for the present purposes. Specifically, nowhere do any of the Rao patents disclose a grid rolled from a billet that has "an α -lead rich phase having a face centered cubic structure". Pursuant to MPEP 804(II)(B)(1)(a), the Examiner must apply the one-way test for determining whether a case of obviousness-type double patenting exists based on the disclosure of the earlier-filed patents. Here, the earlier filed patents do not disclose or claim the subject matter of pending claim 1. For that reason, the rejection under obviousness-type double patenting must be withdrawn.

The rejection under 35 USC 103(a) over Rao ('087) in view of Fujisawa is obviated as well. As the Examiner notes, the present applicant's earlier patent does disclose the use of rolled alloy strips as the basis for manufacturing grids for electrolytic storage batteries. Applicant's earlier patent, however, does not teach, disclose, or suggest the newly discovered grid alloy of claim 1. Nowhere does his earlier patent describe a grid of an α -lead rich phase having a face centered cubic structure.

Fujisawa teaches metals structures having a face-centered cubic structure, but nowhere does Fujisawa suggest their use in grids for lead-acid storage batteries. Moreover, Fujisawa fails to teach that the metal structure taught for use in engine parts with improved oil retention and peel strength would have increased corrosion resistance as described in applicant's instant specification. The Examiner is asked to consider that Fujisawa teaches a metallurgy that is

directed toward mechanical wear and properties associated with the conditions a metal surface would undergo while in an engine. In contrast, a grid for use in a lead-acid battery is primarily subjected to wear from chemical degradation, temperature changes, and similar non-mechanical stresses. Thus, the problems faced by the designer of a part for use in an engine and the designer of a grid for use in storage battery typically filled with concentrated sulfuric acid are quite different. Since Fujisawa does not suggest the use of the face-centered cubic metal structures taught in the '698 reference for use in battery grids or similar applications, one of ordinary skill in the art would not have any motivation to combine the teachings of Rao's '087 patent with the teachings of Fujisawa to create a grid have an α -lead rich phase having a face centered cubic structure.

For these reasons, claims 1 and 2, as amended, are in condition for allowance and a notice thereof is earnestly solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **337842009610**.

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